

105TH CONGRESS  
1ST SESSION

# H. R. 908

To establish a Commission on Structural Alternatives for the Federal Courts  
of Appeals.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1997

Mr. COBLE (for himself and Mr. BERMAN) introduced the following bill; which  
was referred to the Committee on the Judiciary

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## A BILL

To establish a Commission on Structural Alternatives for  
the Federal Courts of Appeals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ESTABLISHMENT AND FUNCTIONS OF COMMIS-**  
4       **SION.**

5       (a) ESTABLISHMENT.—There is established a Com-  
6       mission on Structural Alternatives for the Federal Courts  
7       of Appeals (hereinafter referred to as the “Commission”).

8       (b) FUNCTIONS.—The functions of the Commission  
9       shall be to—

1           (1) study the present division of the United  
2 States into the several judicial circuits;

3           (2) study the structure and alignment of the  
4 Federal Court of Appeals system, with particular  
5 reference to the Ninth Circuit; and

6           (3) report to the President and Congress its  
7 recommendations for such changes in circuit bound-  
8 aries or structure as may be appropriate for the ex-  
9 peditious and effective disposition of the caseload of  
10 the Federal Courts of Appeals, consistent with fun-  
11 damental concepts of fairness and due process.

12 **SEC. 2. MEMBERSHIP.**

13       (a) COMPOSITION.—The Commission shall be com-  
14 posed of 12 members appointed as follows:

15           (1) Two members appointed by the President of  
16 the United States.

17           (2) Two members appointed by the Chief Jus-  
18 tice of the United States.

19           (3) Two members appointed by the Majority  
20 Leader of the Senate.

21           (4) Two members appointed by the Minority  
22 Leader of the Senate.

23           (5) Two members appointed by the Speaker of  
24 the House of Representatives.

1           (6) Two members appointed by the Minority  
2       Leader of the House of Representatives.

3       (b) APPOINTMENT.—The members of the Commis-  
4       sion shall be appointed within 60 days after the date of  
5       the enactment of this Act.

6       (c) VACANCY.—Any vacancy in the Commission shall  
7       be filled in the same manner as the original appointment.

8       (d) CHAIR.—The Commission shall elect a Chair and  
9       Vice Chair from among its members.

10      (e) QUORUM.—Seven members of the Commission  
11      shall constitute a quorum, but 3 may conduct hearings.

12      **SEC. 3. COMPENSATION.**

13      (a) IN GENERAL.—Members of the Commission who  
14      are officers, or full-time employees, of the United States  
15      shall receive no additional compensation for their services,  
16      but shall be reimbursed for travel, subsistence, and other  
17      necessary expenses incurred in the performance of duties  
18      vested in the Commission, but not in excess of the maxi-  
19      mum amounts authorized under section 456 of title 28,  
20      United States Code.

21      (b) PRIVATE MEMBERS.—Members of the Commis-  
22      sion from private life shall receive \$200 for each day (in-  
23      cluding travel time) during which the member is engaged  
24      in the actual performance of duties vested in the Commis-  
25      sion, plus reimbursement for travel, subsistence, and other

1 necessary expenses incurred in the performance of such  
2 duties, but not in excess of the maximum amounts author-  
3 ized under section 456 of title 28, United States Code.

4 **SEC. 4. PERSONNEL.**

5 (a) EXECUTIVE DIRECTOR.—The Commission may  
6 appoint an Executive Director who shall receive compensa-  
7 tion at a rate not exceeding the rate prescribed for level  
8 V of the Executive Schedule under section 5316 of title  
9 5, United States Code.

10 (b) STAFF.—The Executive Director, with the ap-  
11 proval of the Commission, may appoint and fix the com-  
12 pensation of such additional personnel as he determines  
13 necessary, without regard to the provisions of title 5, Unit-  
14 ed States Code, governing appointments in the competitive  
15 service or the provisions of chapter 51 and subchapter III  
16 of chapter 53 of such title relating to classification and  
17 General Schedule pay rates. Compensation under this sub-  
18 section shall not exceed the annual maximum rate of basic  
19 pay for a position above GS–15 of the General Schedule  
20 under section 5108 of title 5, United States Code.

21 (c) EXPERTS AND CONSULTANTS.—The Executive  
22 Director may procure personal services of experts and con-  
23 sultants as authorized by section 3109 of title 5, United

1 States Code, at rates not to exceed the highest level pay-  
2 able under the General Schedule pay rates under section  
3 5332 of title 5, United States Code.

4 (d) SERVICES.—The Administrative Office of the  
5 United States Courts shall provide administrative services,  
6 including financial and budgeting services, for the Com-  
7 mission on a reimbursable basis. The Federal Judicial  
8 Center shall provide necessary research services on a reim-  
9 bursable basis.

10 **SEC. 5. INFORMATION.**

11 The Commission is authorized to request from any  
12 department, agency, or independent instrumentality of the  
13 Government any information and assistance the Commis-  
14 sion determines necessary to carry out its functions under  
15 this Act. Each such department, agency, and independent  
16 instrumentality is authorized to provide such information  
17 and assistance to the extent permitted by law when re-  
18 quested by the Chair of the Commission.

19 **SEC. 6. REPORT.**

20 No later than 2 years following the date on which  
21 its seventh member is appointed in accordance with sec-  
22 tion 2(b), the Commission shall submit its report to the  
23 President and the Congress. The Commission shall termi-  
24 nate 90 days after the date of the submission of its report.

1 **SEC. 7. CONGRESSIONAL CONSIDERATION.**

2       No later than 60 days after the submission of the  
3 report, the Committees on the Judiciary of the House of  
4 Representatives and the Senate shall act on the report.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated to the Com-  
7 mission such sums, not to exceed \$1,300,000, as may be  
8 necessary to carry out the purposes of this Act. Such sums  
9 as are appropriated shall remain available until expended.

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